

## REMARKS

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda in view of Kraft; claims 4 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin in view of Tsunoda; and claims 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin in view of Tsunoda as applied to claim 4, and further in view of Kraft.

The Tsunoda patent (5,698,464) discloses a process of damaging a silicon oxide layer using x-rays and then annealing in a nitrogen containing species. The Tsunoda patent teaches that without the x-ray damage the nitrogen incorporated is about 1% but with the damage the nitrogen incorporated is about 4% (col. 3, lines 5-16 and Figure 6). The Tsunoda patent **does not** teach forming a film with a uniform concentration as stated and relied upon by the examiner. The scale shown in Figure 6 is qualitative and therefore meaningless as a measure of the absolute nitrogen concentration in the film. Furthermore it is not disclosed anywhere in the text of the Tsunoda patent that a film of uniform nitrogen concentration is formed. If such a statement exists in the Tsunoda patent then the examiner is requested to point out with particularity the section of the Tsunoda patent where the statement exists. There is no such statement in the Tsunoda patent. Furthermore the Tsunoda patent teaches the use of x-ray damage as a part of the process and teaches away from incorporating nitrogen without such damage. In combining the Tsunoda patent with the Kraft et al. patent the examiner has failed to show the teaching in either patent that would lead one to combine the references but leave out an essential step that is clearly taught in one of the references. Claim 1 is therefore allowable over the cited art. Claims 2 and 3 that depend from claim 1 are also allowable.

In forming the rejection for claim 4 the examiner relies on the idea that the Tsunoda patent teaches a uniform nitrogen concentration. As shown above the Tsunoda patent does not teach a uniform concentration and claim 4 is allowable over

the cited art. Dependent claims 8-10 depend from claim 4 and are also allowable over the cited art.

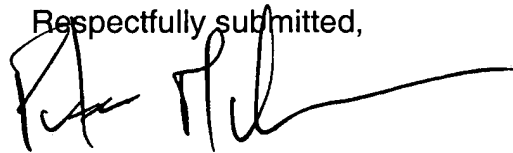
In forming the rejection for claims 5-7 the examiner relies on the idea that the Tsunoda patent teaches a uniform nitrogen concentration. As shown above the Tsunoda patent does not teach a uniform concentration and claims 5-7 are allowable over the cited art.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. McLarty', with a long horizontal flourish extending to the right.

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